

FILED
JUN 20 2008

**In the
Indiana Supreme Court**

OLD PATHS BAPTIST CHURCH)
An Unincorporated Association)
Plaintiff)

Supreme Court No. 88S00-0802-SJ-105

vs.)

Case No. 88C01-9906-CP-123

Dan YOUNG, Duane Cleghorn, Bert Engler)
Melissa Lowe, John Lewis)
Defendants)

in the Washington Circuit Court

ORDER REMANDING JURISDICTION TO TRIAL COURT

Comes now the Clerk of the Washington Circuit Court, and pursuant to Ind.Trial Rule 53.1, certifies this matter here for the appointment of a special judge.

And this Court, being duly advised, now finds that jurisdiction of this matter should be remanded to the Washington Circuit Court and Special Judge Roger D. Davis. Special Judge Davis filed a report in accordance with Ind. Trial Rule 53.1 (F) in which he notifies this Court that the motion plaintiff contends in his praecipe that the court failed to set for hearing or rule upon never was transmitted to him. As Judge Davis never had the opportunity to act on the motion, under this set of facts, withdrawal of the submission is not appropriate.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter is remanded to the Washington Circuit Court and Special Judge Davis.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Roger D. Davis, Harrison Superior Court, 1445 Gardner Lane, N.W., #3018, Corydon, IN 47112-2070, and to the Clerk of the Washington Circuit Court.

The Clerk of the Washington Circuit Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this 20th day of June, 2008.

Randall T. Shepard
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Chief Justice of Indiana